1937

c 289 Public Vehicle Act

Ontario

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CHAPTER 289.


1. In this Act,—

(a) "Department" shall mean Department of Highways;

(b) "Highway" shall mean highway as defined by Tha "Highway Traffic Act; R.S.O. 1927, c. 252, s. 1, cl. 288.

(c) "Public vehicle" shall mean any motor vehicle operated on a highway by, for, or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality; 1935, c. 59, s. 2.

(d) "Toll" shall mean any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle. R.S.O. 1927, c. 252, s. 1, cl. (d).

2. — (1) No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do, under this Act. R.S.O. 1927, c. 252, s. 2 (1); 1935, c. 59, s. 3 (1); 1936, c. 56, s. 13 (1).

(2) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. 1935, c. 59, s. 3 (2).

(3) Any person who violates the provisions of subsection Penalty. 1 or 2 shall incur, for the first offence, a penalty of not less than $10 and not more than $25; for the second offence, not less than $50 and not more than $100, and for the third offence, not
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Terms of license.

(4) The license for such purpose may be issued upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe.

Permits.

(5) The Department may issue permits conferring special, exclusive or limited rights with respect to public vehicles so licensed and with respect to any highway or highways or portions thereof, named and described in said special permits.

Number of passengers and tonnage of freight.

(6) The license and permit issued by the Department shall fix the number of passengers or tonnage of express freight which each public vehicle shall carry, and no vehicle shall at any time carry more passengers or more tonnage than is fixed by the said license.

Permits in special cases.

(7) A permit conferring exclusive rights for the operation of a public vehicle shall not preclude the granting of a permit for the operation of any public vehicle on the same highway or any portion thereof where the granting of such last mentioned permit appears to the Department to be necessary in the public interest in order to enable passengers or express freight to be carried to any terminal point from areas or terminal points other than those named in such exclusive permit.

Fees.

(8) The fees for such licenses or permits may be based upon a proportion of the receipts, mileage travelled or number or amount of passengers, or passengers and express freight, or upon any other basis which the Department may deem advisable.

To be in addition to fees imposed under Rev. Stat. c. 288.

(9) The fees for licenses and permits for public vehicles shall be in addition to any fee imposed under The Highway Traffic Act, or any other Act.

License plate—what to show.

(10) Every public vehicle shall, while being operated upon a highway, have attached to and exposed on each side thereof, in a conspicuous position, a license plate issued by the Department showing in plain figures the number of the license issued for such vehicle for the current year. R.S.O. 1927, c. 252, s. 2 (3-9).

Approval of Municipal Board.

3. (1) Notwithstanding the provisions of section 2 or of any regulation made under the authority of this Act, no license or permit shall be issued to any person without the approval of the Ontario Municipal Board being first obtained as evidenced by a certificate in writing of the said Board of public necessity and convenience furnished to the Department, and then only in accordance with such certificate.
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(2) The Ontario Municipal Board shall have and may exercise all jurisdiction and powers necessary for the purposes of subsection 1, and may grant or refuse any application made to it for the approval and certificate mentioned in such subsection, and every such application shall be made in writing after a copy thereof has first been filed with the Department.

(3) The provisions of subsection 1 shall not require that any renewal of a license or permit be approved by the said Board, unless the Department refers the application for such renewal to the said Board. 1933, c. 53, s. 2.

4.—(1) Subject to the provisions of subsection 2, a person holding a license or permit under the provisions of this Act may operate his vehicle in and through any municipality covered by such license or permit without holding a license under the provisions of any by-law of any such municipality except where he takes on passengers or express freight within the limits of a municipality and discharges such passengers or express freight within the limits of that municipality.

(2) The corporation of any such municipality may, with the approval of the Department, designate by by-law, the streets within the municipality over which the person holding such permit may operate his vehicle. R.S.O. 1927, c. 252, s. 3.

5. A by-law may be passed by the council of any city requiring a person holding a license or permit under the provisions of this Act, and who operates a public vehicle over a route partly within and partly without the limits of such city to also pay to the corporation of such city a fee or charge not being in the nature of a license fee, and such by-law shall not come into effect unless and until approved by the Department, and the Department shall fix the fee to be charged. 1928, c. 43, s. 2.

6.—(1) No tolls shall be charged until a tariff of such tolls has been filed with and approved by the Department, nor shall any tolls be charged under any tariff or portion thereof disallowed by the Department, nor shall any person charge, levy and collect any toll for any service as a common carrier except under the provisions of this Act.

(2) A tariff of tolls approved by the Department shall be subject to revision by the Department at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1927, c. 252, s. 5.
7. The Department may at any time cancel or suspend the license issued for any public vehicle by reason of a breach of this Act or The Highway Traffic Act, or of the regulations made under this Act or The Highway Traffic Act. R.S.O. 1927, c. 252, s. 6.

8. No right, privilege, franchise or license held, owned or obtained by any person under this Act shall be sold, assigned, leased or transferred except with the approval of the Department and obtained in writing. R.S.O. 1927, c. 252, s. 7.

9. Every public vehicle shall be maintained in a safe and sanitary condition at all times and shall be at all times subject to the inspection of the Department and its duly authorized representatives. R.S.O. 1927, c. 252, s. 8.

10. Every public vehicle shall be equipped with a standard speedometer which shall be maintained in good working order. R.S.O. 1927, c. 252, s. 9.

11. Every public vehicle having a covered top or top up, shall maintain a light or lights of not less than two candle power each within the vehicle and so arranged as to light up the whole of the interior of the vehicle, and such light or lights shall be kept constantly lighted between the hours of sunset and sunrise at all times when such vehicle is occupied by passengers. R.S.O. 1927, c. 252, s. 10.

12. Every public vehicle shall when leaving either terminus be equipped with at least one extra serviceable tire. R.S.O. 1927, c. 252, s. 11.

13. Every public vehicle shall be equipped with satisfactory brakes and such brakes shall at all times be maintained in good condition and with a braking power sufficient to lock the rear wheels of said vehicle when brakes are fully applied and the vehicle is operated at a speed of ten miles per hour. R.S.O. 1927, c. 252, s. 12.

14. Every public vehicle shall at all times carry a set of skid chains which shall be applied to the rear wheels whenever necessary to prevent skidding. R.S.O. 1927, c. 252, s. 13.

15. Every public vehicle shall be equipped with a liquid fire extinguisher of a design or type approved by the Department and such extinguisher shall be kept in satisfactory operative condition at all times. R.S.O. 1927, c. 252, s. 14.
16. Drivers of public vehicles shall be at least twenty-one years of age, of good moral character, fully competent to operate the vehicles under their charge and shall hold a license from the Department as required by section 19 of The Highway Act. R.S.O. 1927, c. 252, s. 15.

17. No driver or operator of any public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty or at any time use intoxicating liquor to excess. R.S.O. 1927, c. 252, s. 16.

18. No driver or operator of any public vehicle shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle. R.S.O. 1927, c. 252, s. 17.

19. No person owning, controlling, operating or managing any public vehicle shall cause or allow any driver or operator of such public vehicle to work as driver or operator for more than a maximum of ten hours in any twenty-four hour period. R.S.O. 1927, c. 252, s. 18; 1935, c. 59, s. 4.

20. No driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of said motor vehicle or between the termini thereof, unless at the time of such offer the seats of said public vehicle are fully occupied. but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1927, c. 252, s. 19.

21.—(1) No driver or operator shall allow passengers to ride on the running boards, fenders or any part of the vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

(2) No driver or operator of a public vehicle shall permit or allow on the front seat of such public vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

(3) No passenger shall be allowed to sit on the front seat beside the driver.
Front seat. (4) No more than one passenger shall occupy the front seat of any motor vehicle with a touring car body operated by a centre control. R.S.O. 1927, c. 252, s. 20.

Trailers forbidden. 22. Except when specially authorized by the Department, no public vehicle shall be operated or driven with any trailer or other vehicle attached thereto, except where a vehicle becomes disabled while on a trip, and is unable to run from its own power, when such disabled car may be towed to the nearest point where repair facilities are available. R.S.O. 1927, c. 252, s. 21.

Exception. Luggage. 23. A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1927, c. 252, s. 22.

Exits. 24. Every public vehicle shall have at least two doors or exits, one of which shall be at or near the rear of the vehicle. R.S.O. 1927, c. 252, s. 23.

Insurance. 25.—(1) Every person licensed under this Act shall with respect to every public vehicle which is operated by him, or for, or on his behalf, provide or effect and carry such bond or insurance as the Lieutenant-Governor in Council may by regulation prescribe. 1934, c. 49, s. 3.

(2) To the extent of the limits prescribed by regulation the provisions of subsection 5 of section 205 of The Insurance Act shall not apply to a motor vehicle liability policy provided for the protection of passengers of a public vehicle, as required by subsection 1 and the regulations passed thereunder. 1936, c. 56, s. 13 (2).

Penalty for violation of rights granted by license. 26. Where a license or permit confers exclusive rights with respect to the operation of any public vehicle over a highway or any portion thereof, every person who operates a vehicle on such highway in such manner as to prejudice the exclusive rights granted by the license or permit shall be guilty of an offence under this Act and shall incur a penalty of not less than $25 nor more than $100 for each day upon which such vehicle has been operated. R.S.O. 1927, c. 252, s. 26.

Offences and penalties. 27. Every person who contravenes any of the provisions of this Act or of any regulations made thereunder for which no penalty is provided shall be guilty of an offence and shall incur a penalty for the first offence not exceeding $10, for the second offence not exceeding $20, for the third offence not ex-
ceeding $30 and for every subsequent offence not exceeding $50, and every penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund and an equivalent amount shall be placed to the credit of The Highway Improvement Fund Account. R.S.O. 1927, c. 252, s. 27.

28. The penalties imposed by this Act shall be recoverable under The Summary Convictions Act. R.S.O. 1927, c. 252, s. 28.